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MEMO ENDORSED

November 26, 2024

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Sarah Valelly v. Merrill Lynch, Pierce, Fenner & Smith Incorporated*, No. 19-cv-07998 (VEC)

Dear Judge Caproni:

Plaintiff Sarah Valelly and Defendant Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill") jointly file this letter motion to seal and/or redact confidential information, in accordance with the dates and procedures identified below, which are intended to supplement Rule 5(B) of the Court's Individual Practices in Civil Cases.

Opening papers in support of Merrill's motion for summary judgment are due on November 27, 2024, opposition papers are due on January 10, 2025, and reply papers are due on January 24, 2025. (ECF No. 263). These papers will likely be referencing materials that the parties and nonparty Bank of America, N.A (also represented by defense counsel) designated as confidential or highly confidential under the governing protective order. Similar to the approach that the parties and the Court took in connection with the earlier summary judgment briefing (see ECF No. 186), as well as the *Daubert*, class certification, and reconsideration briefing (see, e.g., ECF No. 161), in order to minimize the number of court filings and disputes regarding confidentiality that the Court will need to resolve, and to allow counsel sufficient time to confer with their clients about proposed redactions, the parties propose as follows:

- 1) The parties will serve, by email rather than on ECF, their papers by the deadlines reflected in the Scheduling Order.
- 2) The parties will meet and confer within four business days after service to discuss the need to redact or seal any portions of their papers.
- 3) The party seeking redaction or sealing with respect to papers to be efiled by another party shall provide the other party proposed public versions of all such papers, with metadata scrubbed.
- 4) Within ten business days after service by email reflected above, the parties who had served the papers by email will file on ECF both the confidential and public versions of the papers originally served by email, however, with respect to reply papers, the parties will work collaboratively and in good faith to e-file such papers promptly after the email service date, in order to expedite the formal submission date of the motion.
- 5) Contemporaneous with these ECF filings, the parties will file joint letter(s) pursuant to Rule 5(B)(iii) of Your Honor's Individual Rules reflecting the parties' respective positions on whether the material should be sealed or redacted.

The parties thank the Court for its attention to this matter.

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Respectfully submitted,

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*Attorneys for the Plaintiff and the
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*Attorneys for Defendant Merrill Lynch,
Pierce, Fenner & Smith Incorporated and
Non-party Bank of America, N.A.*

VIA ECF

cc: All counsel of record (via ECF)

Application GRANTED.

11/26/24

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE